

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

SHERYL LOVE,

Plaintiff,

v.

CASE NO.: 21-cv- **10577**

HON.

MAG. JUDGE

WALMART, INC.,
f/k/a WAL-MART STORES, INC.,
a Foreign Corporation,

Defendant.

C. CLIFFORD CHADWICK (P34372)
JENNIFER E. MEAD (P57106)
**LAW OFFICES OF C. CLIFFORD
CHADWICK**
Attorneys for Plaintiff
P.O. Box 165
Keego Harbor, MI 48320
(313) 485-1250
(248) 335-0955 - fax
meadjenn@hotmail.com

AUDREY J. FORBUSH (P41744)
ROCHELLE L. CLARKE (P79054)
PLUNKETT COONEY
Plaza One Financial Center
111 E. Court Street - Suite 1B
Flint, MI 48502
(810) 342-7014 (AJF)
(810) 342-7020 (RLC)
(810) 232-3159 - fax
aforbush@plunkettcooney.com
rclarke@plunkettcooney.com

**NOTICE OF REMOVAL OF CAUSE TO THE
UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION**

NOW COMES the Defendant, **WALMART, INC., f/k/a WAL-MART
STORES, INC.** by and through its attorneys, **PLUNKETT COONEY**, and pursuant

to 28 U.S.C. §§ 1332, 1441, and 1446, hereby notify this Honorable Court of the removal of this action for the following reasons:

1. On or about November 16, 2020, Plaintiff filed a lawsuit which is now pending in the Circuit Court for the County of Macomb, State of Michigan, bearing Case No.: 2020-4073-NO.

2. Defendant was served with the Summons and Complaint via certified mail on or about February 11, 2021.

3. This action is a suit at common law of a civil nature, as alleged in Plaintiff's Complaint, brought by Plaintiff, Sheryl Love, against Defendant, Walmart, Inc. f/k/a Wal-Mart Stores, Inc., for premises liability, in which Plaintiff seeks monetary damages.

4. This action involves a controversy which is wholly between citizens of different states. Plaintiff commenced this action in the County of Macomb and is a resident of the State of Michigan. Defendant, Wal-Mart Stores, Inc., is a corporation duly created and organized by and under the laws of the State of Delaware, and is a foreign corporation under the laws of the State of Delaware, with its principal place of business in Bentonville, Arkansas.

5. This action filed by Plaintiff against Defendant is one involving complete diversity of citizenship under 28 U.S.C. § 1332(a) as a civil action

between a citizen of the State of Michigan and the States of Delaware and Arkansas.

6. This action is one over which the District Courts of the United States are given original jurisdiction.

7. The time in which Defendant is required to file this Notice of Removal to Federal Court has not yet expired.

8. Pursuant to Plaintiff's Complaint, Plaintiff seeks to recover monetary damages in connection with alleged injuries sustained as a result of Defendant's alleged negligence.

9. Pursuant to Plaintiff's Complaint, Plaintiff seeks to recover damages in excess of \$25,000.00 together with costs, interest and attorney fees in this matter, and further alleges that Plaintiff sustained numerous and serious injuries to her person. Defendant asserts that, more likely than not, the amount in controversy exceeds the jurisdictional requirements of 28 U.S.C. § 1332(a) if Plaintiff prevails on her claims, which include, but are not limited to, alleged "severe and permanent injuries; both internally and externally, and was and will be hindered and prevented from attending to her usual duties and affairs of life, and has lost and will in the future lose value of that time." Plaintiff further contends that she "will expend and become liable for large sums of money for medical care and services endeavoring to become healed and cured of said

injuries.” Plaintiff has likewise declined to cap her damages below this court’s jurisdictional limit.

10. Under 28 U.S.C. § 1441 *et seq.*, Defendant is entitled to remove this action to the United States District Court for the Eastern District of Michigan, since the district court would have had original jurisdiction over Plaintiff’s claims. Attached to this Notice of Removal is a copy of the Summons and Complaint setting forth Plaintiff’s claims for relief. A written Notice of the Filing of this Removal has been given to all parties as required by law and is attached hereto.

11. A true and correct copy of this Notice of Filing Removal and Notice of Removal is filed with the Clerk of the Court of the County of Macomb, State of Michigan, as provided by law.

Respectfully submitted,

PLUNKETT COONEY

By **s/Rochelle L. Clarke**

AUDREY J. FORBUSH (P41744)

ROCHELLE L. CLARKE (P79054)

Attorneys for Defendant

Plaza One Financial Center

111 E. Court Street – Suite 1B

Flint, MI 48502

(810) 342-7014

aforbush@plunkettcooney.com

rclarke@plunkettcooney.com

Dated: March 15, 2021

PROOF OF SERVICE

KIMBERLY WEBSTER certifies that on the 15th day of March, 2021, she caused to be served a copy of NOTICE OF REMOVAL OF CAUSE TO THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN, NORTHERN DIVISION and PROOF OF SERVICE via CM/ECF electronic filing with the United States District Court for the Eastern District of Michigan, Southern Division, which will provide notice of this electronic filing to counsel of record.

/s/Kimberly Webster
KIMBERLY WEBSTER

Open.13046.10881.26012531-1

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

SHERYL LOVE,

Plaintiff,

v.

Case No. 2020-4073-NO

Hon. Kathryn A. Viviano

WALMART INC.,
f/k/a WAL-MART STORES, INC.
a Foreign Corporation,

Defendant.

C. CLIFFORD CHADWICK (P34372)
JENNIFER E. MEAD (P57106)
LAW OFFICES OF C. CLIFFORD CHADWICK
Attorneys for Plaintiff
P.O. Box 165
Keego Harbor, MI 48320
(313) 485-1250
(248) 335-0955 – fax
meadjenn@hotmail.com

AUDREY J. FORBUSH (P41744)
ROCHELLE L. CLARKE (P79054)
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(810) 342-7014 (AJF)
(810) 342-7020 (RLC)
(810) 232-3159 - fax
aforbush@plunkettcooney.com
rclarke@plunkettcooney.com

NOTICE OF FILING REMOVAL

**TO: CLERK OF THE COURT
MACOMB COUNTY CIRCUIT COURT
40 N. MAIN ST.,
MOUNT CLEMENTS, MI 48043**

-and-

**JENNIFER E. MEAD
P.O BOX 165
KEEGO HARBOR, MI 48320
meadjenn@hotmail.com**

PLEASE TAKE NOTICE that Defendant have this day filed its Notice of Removal of this matter to the United States District Court, with the office of the Clerk of the Court for

the United States District Court, Eastern District of Michigan, Southern Division, copies of which are attached hereto.

Respectfully submitted,

PLUNKETT COONEY

By /s/ Rochelle L. Clarke
AUDREY J. FORBUSH (P41744)
ROCHELLE L. CLARKE (P79054)
Attorney for Defendant
Plaza One Financial Center
111 E. Court Street – Suite 1B
Flint, MI 48502
(810) 342-7014
aforbush@plunkettcooney.com
rclarke@plunkettcooney.com

Dated: March 15, 2021

PROOF OF SERVICE

KIMBERLY WEBSTER certifies that on the 15th day of March, 2021 she caused to be served a copy DEFENDANT'S NOTICE OF FILING REMOVAL and PROOF OF SERVICE, upon:

Jennifer Mead
P.O. Box 165
Keego Harbor, MI 48320
meadjenn@hotmail.com

VIA EMAIL and by enclosing same in an envelope properly addressed as above and by depositing same in a United States mail receptacle, with postage thereon fully prepaid.

/s/ Kimberly Webster
KIMBERLY WEBSTER

Open.13046.10881.26012820-1

Summons and Complaint



**Service of Process
Transmittal**

02/11/2021

CT Log Number 539040958

TO: Kim Lundy Service Of Process
Walmart Inc.
702 SW 8TH ST
BENTONVILLE, AR 72716-6209

RE: Process Served in Michigan

FOR: WALMART INC. (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Love Sheryl, Pltf. vs. Walmart, Inc., etc., Dft.
Name discrepancy noted.

DOCUMENT(S) SERVED: Letter, Proof(s), Summonses, Complaint

COURT/AGENCY: Macomb County - 16th Circuit Court, MI
Case # 2020004073NO

NATURE OF ACTION: Personal Injury - Failure to Maintain Premises in a Safe Condition - 11/19/2017 -
29176 Van Dyke Avenue, Warren, Michigan

ON WHOM PROCESS WAS SERVED: The Corporation Company, Plymouth, MI

DATE AND HOUR OF SERVICE: By Certified Mail on 02/11/2021 postmarked on 02/04/2021

JURISDICTION SERVED : Michigan

APPEARANCE OR ANSWER DUE: Within 28 days

ATTORNEY(S) / SENDER(S): Jennifer E. Mead
Law Offices of C. Clifford Chadwick
P.O. Box 165
Keego Harbor, MI 48320
313-485-1250

ACTION ITEMS: CT has retained the current log, Retain Date: 02/12/2021, Expected Purge Date:
02/17/2021

Image SOP

Email Notification, Kim Lundy Service Of Process ctlawsuits@walmartlegal.com

REGISTERED AGENT ADDRESS: The Corporation Company
40600 Ann Arbor Road E
Suite 201
Plymouth, MI 48170
877-564-7529
MajorAccountTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other



**Service of Process
Transmittal**

02/11/2021

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TO: Kim Lundy Service Of Process
Walmart Inc.
702 SW 8TH ST
BENTONVILLE, AR 72716-6209

RE: Process Served in Michigan

FOR: WALMART INC. (Domestic State: DE)

advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

Law Offices

Jennifer E. Mead

P. O. Box 165

Keego Harbor, Michigan 48320

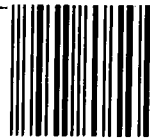
Case 5:21-cv-10577-JEL-EAS ECF No. 1, PageID.11 Filed 03/15/21 Page 11 of 29



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48170

U.S. POSTAGE PAID
FCM LG ENV
SAINT CLAIR SHORES, MI
48080
FEB 04, 21
AMOUNT

\$7.65

R2304M112387-7

The Corporation Company
40600 Ann Arbor Road E, Ste. 201
Plymouth, Michigan 48170



LAW OFFICES

JENNIFER E. MEAD

P.O. Box 165
Keego Harbor, Michigan 48320
Tel: 313-485-1250
Email: meadjenn@hotmail.com

February 4, 2021

The Corporation Company
40600 Ann Arbor Road E, Ste. 201
Plymouth, Michigan 48170

RE: Sheryl Love v Walmart, Inc.
Macomb County Circuit Court Case no. 2020-004073-NO

To whom it may concern:

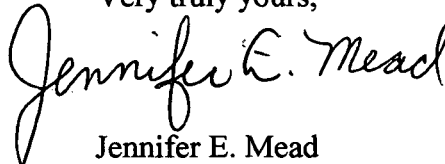
Relative to the referenced matter enclosed find the following:

1. *Summons* (2 copies); and
2. *Complaint and Jury Demand*.

One copy of the *Summons* is for your records and the second copy is to be signed and returned to me. I have highlighted the Acknowledgment of Service for your signature and the date of your receipt of this package. Please indicate that you are authorized by The Corporation Company to sign as Resident Agent on behalf of Walmart, Inc..

Contact me should you have questions regarding this request.

Very truly yours,



Jennifer E. Mead

Enclosures

cc: Sheryl Love

SUMMONS**PROOF OF SERVICE**

Case No. _____

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE☐ **OFFICER CERTIFICATE**

OR

☐ **AFFIDAVIT OF PROCESS SERVER**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult, and I am not a party or an officer of a corporate party (MCR 2.103[A]), and that: (notarization required)

- ☐ I served personally a copy of the summons and complaint,
☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint,

together with _____

List all documents served with the summons and complaint

_____ on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

- ☐ I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee \$	Miles traveled	Fee \$	
Incorrect address fee \$	Miles traveled	Fee \$	TOTAL FEE \$

Signature _____

Name (type or print) _____

Title _____

Subscribed and sworn to before me on _____, _____ County, Michigan.
 Date

My commission expires: _____ Date Signature: _____
 Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with Complaint and
Attachments

Jury Demand on _____
 Day, date, time

Signature _____ on behalf of _____

Approved, SCAO

Original - Court
1st copy - Defendant2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN		SUMMONS	CASE NO.
16th	JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE		-NO
			2020-004073-NO

Court address

40 N Main St, Mt Clemens, MI 48043

Court telephone no.

(586) 469-7171

Plaintiff's name(s), address(es), and telephone no(s).

Sheryl Love
8173 State Park
Centerline, Michigan 48015

v

Defendant's name(s), address(es), and telephone no(s).

Walmart, Inc.
f/k/a Wal-Mart Stores, Inc.

Resident Agent:

THE CORPORATION COMPANY
40600 ANN ARBOR RD E STE 201
PLYMOUTH, MICHIGAN 48170

Plaintiff's attorney, bar no., address, and telephone no.

Jennifer E. Mead (P57106)
Law Offices of C. Clifford Chadwick
P. O. Box 165
Keego Harbor, MI 48320
(313) 485-1250

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☐ this court, ☐ _____ Court, where

it was given case number _____ and assigned to Judge _____.

The action ☐ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS**NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party or **take other lawful action with the court** (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date	Expiration date*	Court clerk
11/16/2020	02/16/2021	<i>Traci Miller</i>

*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.



MCR 1.109(D), MCR 2.102(B), MCR 2.103, MCR 2.104, MCR 2.105

Approved, SCAO

1st copy - Defendant

3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS	CASE NO. -NO 2020-004073-NO
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Court address

40 N Main St, Mt Clemens, MI 48043

Court telephone no.

(586) 469-7171

Plaintiff's name(s), address(es), and telephone no(s).

 Sheryl Love
 8173 State Park
 Centerline, Michigan 48015

v

Defendant's name(s), address(es), and telephone no(s).

 Walmart, Inc.
 f/k/a Wal-Mart Stores, Inc.

Resident Agent:

 THE CORPORATION COMPANY
 40600 ANN ARBOR RD E STE 201
 PLYMOUTH, MICHIGAN 48170

Plaintiff's attorney, bar no., address, and telephone no.

 Jennifer E. Mead (P57106)
 Law Offices of C. Clifford Chadwick
 P. O. Box 165
 Keego Harbor, MI 48320
 (313) 485-1250

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

 been previously filed in ☐ this court, ☐ _____ Court, where

it was given case number _____ and assigned to Judge _____.

 The action ☐ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS**NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

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2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party or **take other lawful action with the court** (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 11/16/2020	Expiration date* 02/16/2021	Court clerk 
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PROOF OF SERVICE

Case No. _____

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE☐ **OFFICER CERTIFICATE**

OR

☐ **AFFIDAVIT OF PROCESS SERVER**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult, and I am not a party or an officer of a corporate party (MCR 2.103[A]), and that: (notarization required)

- ☐ I served personally a copy of the summons and complaint,
☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint,

together with _____

List all documents served with the summons and complaint

_____ on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

- ☐ I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee	
\$		\$	
Incorrect address fee	Miles traveled	Fee	TOTAL FEE
\$		\$	\$

Signature _____

Name (type or print) _____

Title _____

Subscribed and sworn to before me on _____, _____ County, Michigan.
 Date

My commission expires: _____ Date Signature: _____
 Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with _____
 Attachments

_____ on _____
 Day, date, time

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

SHERYL LOVE,

2020-004073-NO

Plaintiff

Case No. _____ NO

v

Hon. ~~VIVIANO, KATHRYN A~~

WALMART, INC.,
f/k/a WAL-MART STORES, INC.,
a Foreign Corporation,

Defendant.

LAW OFFICES OF C. CLIFFORD CHADWICK
C. CLIFFORD CHADWICK (P34372)
JENNIFER E. MEAD (P57106)
Attorneys for Plaintiff
P. O. Box 165
Keego Harbor, Michigan 48320
(313) 485-1250/Fax: (248) 335-0955

COMPLAINT AND JURY DEMAND

NOW COMES Plaintiff SHERYL LOVE, through counsel, C. CLIFFORD CHADWICK,
and in support of her Complaint against Defendant states as follows:

1. Plaintiff Sheryl Love, ("Plaintiff") is an individual residing in the city of Centerline, Macomb County, Michigan.
2. On or about November 19, 2017, the Defendant, Walmart, Inc. f/k/a Wal-Mart Stores, Inc., ("Defendant") owned, operated, managed and/or maintained or had a duty to own, operate, manage and/or maintain, both individually and by and/or through its agents, servants and/or employees, a certain premise located at 29176 Van Dyke Avenue, Warren, Michigan.

3. At the aforesaid time and place, the Plaintiff, was lawfully on said premises.

4. At the aforesaid time and place, the Defendant, individually and/or by and through its agents, servants and/or employees maintained the aforementioned premises including the entrance and exits to said premises in such a manner where the areas became and/or caused a slip/trip hazard when the floor mats were not properly maintained.

5. At the aforesaid time and place, as the Plaintiff, was entering the premises located at 29176 Van Dyke Avenue, Warren, Michigan, she was caused to slip/trip and fall on the ground sustaining severe and permanent injuries.

6. At the aforesaid time and place, the Defendant, individually and/or by and through its agents, servants and/or employees, had a duty to maintain the aforementioned premises, including said entrances in a reasonably safe condition for persons lawfully on said premises, to include the Plaintiff herein.

7. At the aforesaid time and place, the Defendant, by and through its agents, servants and/or employees, disregarding said duty caused the entrance and/or failed to properly maintain the aforementioned entrance causing it to become unsafe for use, and as a result of this dangerous condition, the Plaintiff slipped/tripped and fell.

8. At the aforesaid time and place, the Defendant as the maintainer of the aforementioned premises, either individually or by and through its agents, servants and/or employees acted with less than reasonable care and was then and there guilty of one or more of the following careless and negligent acts and/or omissions:

a. Improperly operated, managed, maintained and controlled its premises in failing to properly maintain the aforementioned entrance on the premises;

b. Failed to provide slip guards and/or slip resistant surfaces in the aforementioned entrance of the premises for an unreasonable length of time.

c. Failed to warn the Plaintiff and other persons lawfully on said premises of the dangerous condition when Defendants knew or should have known in the exercise of ordinary care that said warning was necessary to prevent injury to the Plaintiff.

d. Failed to make a reasonable inspection of its premises when it knew or in the exercise of ordinary care should have known that said inspection was necessary to prevent injury to the Plaintiff and others lawfully on said premises.

e. Allowed the aforementioned premises to remain in a dangerous condition, making the entrance and exists unfit for passage, for an unreasonable length of time.

f. Was otherwise careless and negligent in the operation of its premises.

9. As a direct and proximate result of one or more of the foregoing negligent acts or omissions of the Defendant, Plaintiff sustained severe and permanent injuries; both internally and externally, and was and will be hindered and prevented from attending to her usual duties and affairs of life, and has lost and will in the future lose value of that time as aforementioned.

10. As a direct and proximate result of the aforesaid careless and negligent acts the Plaintiff then and there suffered great pain and anguish, both in mind and body and will in the future continue to suffer. The Plaintiff further expended and will expend and become liable for large sums of money for medical care and services endeavoring to become healed and cured of said injuries.

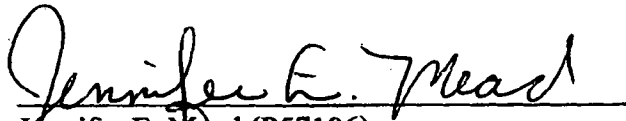
WHEREFORE, the Plaintiff, SHERYL LOVE, prays for judgment against the Defendant, WALMART, INC. f/k/a WAL-MART STORES, INC., in such an amount in excess of this Court's jurisdictional requisite as will fairly and adequately compensate the Plaintiff for her injuries, losses and damages as herein above alleged, costs of suit, and any further relief which this Honorable Court finds fair and just.

JURY DEMAND

Plaintiff, Sheryl Love, demands a jury trial.

LAW OFFICES OF C. CLIFFORD CHADWICK

Dated: November 16, 2020


Jennifer E. Mead (P57106)
Attorney for Plaintiff Sheryl Love

***Defendant's Answer to Complaint,
Affirmative Defenses and Reliance on
Jury Demand***

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

SHERYL LOVE,

Plaintiff,

v.

Case No. 2020-4073-NO
Hon. Kathryn A. Viviano

WALMART INC.,
f/k/a WAL-MART STORES, INC.
a Foreign Corporation,

Defendant.

**DEFENDANT'S ANSWER TO PLAINTIFF'S COMPLAINT,
AFFIRMATIVE DEFENSES, RELIANCE UPON JURY DEMAND
and PROOF OF SERVICE**

C. CLIFFORD CHADWICK (P34372)
JENNIFER MEADE (P57106)
LAW OFFICES OF C. CLIFFORD CHADWICK
Attorney for Plaintiff
P.O. Box 165
Keego Harbor, MI 48320
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DEFENDANT'S ANSWER TO PLAINTIFF'S COMPLAINT

NOW COMES Defendant, WALMART, INC., f/k/a WAL-MART STORES, INC., , by and through its attorneys, PLUNKETT COONEY, and in Answer to Plaintiff's Complaint, states as follows:

1. In response to the allegations contained in paragraph 1, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to her proofs.

2. In response to the allegations contained in paragraph 2, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to her proofs.

3. In response to the allegations contained in paragraph 3, Defendant is without knowledge or information sufficient to form a belief as to the truth of same and leaves Plaintiff to her proofs.

4. In response to the allegations contained in paragraph 4, Defendant denies the allegations contained therein in the form and manner alleged and in fact.

5. In response to the allegations contained in paragraph 5, Defendant denies the allegations contained therein in the form and manner alleged and in fact.

6. In response to the allegations contained in paragraph 6, Defendant affirmatively denies the breach of any duty which may have been owed to the Plaintiff and submit that it maintained its premises in a reasonably safe condition.

7. In response to the allegations contained in paragraph 7, Defendant denies the allegations contained therein in the form and manner alleged and in fact.

8. In response to the allegations contained in paragraph 8 (a)-(f), Defendant denies the allegations contained therein in the form and manner alleged and in fact.

9. In response to the allegations contained in paragraph 9, Defendant denies the allegations contained therein in the form and manner alleged and in fact.

10. In response to the allegations contained in paragraph 10, Defendant denies the allegations contained therein in the form and manner alleged and in fact.

WHEREFORE, Defendant respectfully requests this Honorable Court enter an Order for Judgment of No Cause of Action in its favor, with costs and attorney fees to be taxed.

Respectfully submitted,

PLUNKETT COONEY

By s/Rochelle L. Clarke
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Dated: March 11, 2021

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

SHERYL LOVE,

Plaintiff,

v.

Case No. 2020-4073-NO

Hon. Kathryn A. Viviano

WALMART INC.,
f/k/a WAL-MART STORES, INC.
a Foreign Corporation,

Defendant.

C. CLIFFORD CHADWICK (P34372)
JENNIFER MEADE (P57106)
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DEFENDANT'S AFFIRMATIVE DEFENSES

NOW COMES Defendant, WALMART, INC., f/k/a WAL-MART STORES, INC., a Foreign Corporation, by and through its attorneys, PLUNKETT COONEY, and hereby asserts the following Affirmative Defenses in the above-entitled cause of action:

1. Plaintiff has failed to state a valid claim in whole or in part upon which relief can be granted and therefore, Defendant is entitled to summary disposition as a matter of law.

2. There is no genuine issue as to any material fact; therefore, Defendant is entitled to summary disposition as a matter of law.

3. The premises in question was maintained in a reasonably safe condition at all times relevant to this action.

4. Defendant did not know or have reason to know of the alleged dangerous or defective condition referenced in Plaintiff's Complaint.

5. Plaintiff's claim is barred by the open and obvious doctrine.

6. Plaintiff's claims may be barred, in whole or in part, by the applicable statute of limitations.

7. The sole and proximate cause of any and all injuries suffered by Plaintiff is the result of Plaintiff's own contributory and/or comparative negligence.

8. The sole and proximate cause of any and all injuries suffered by Plaintiff, is the result of Plaintiff's own conduct.

9. Plaintiff has failed to mitigate her damages.

10. Plaintiff's claims may be barred by the doctrine of laches in that some evidence may no longer be available or may be in an altered state, prejudicing and/or preventing Defendant from preparing its defense.

11. To the extent Plaintiff seeks recovery from Defendant premised upon damages for medical care, rehabilitation service or any other economic loss, all or part of which have been paid or are to be paid by a collateral source, Defendant is entitled to have a reduction of that portion of any judgment pursuant to MCL 600.6303.

12. Defendant complied with all duties applicable under Michigan law, and therefore, denies that it has breached any duties owed to Plaintiff resulting in Plaintiff's alleged injuries.

13. Defendant exercised reasonable care to ensure that its premises was reasonably safe.

14. Defendant reserves the right to amend its affirmative defenses as same become known through discovery.

Respectfully submitted,

PLUNKETT COONEY

By s/Rochelle L. Clarke

AUDREY J. FORBUSH (P41744)

ROCHELLE L. CLARKE (P79054)

Attorneys for Defendant

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DEFENDANT'S RELIANCE UPON DEMAND FOR JURY TRIAL

NOW COMES Defendant, WALMART, INC., f/k/a WAL-MART STORES, INC., a Foreign Corporation, by and through its attorneys, PLUNKETT COONEY, and hereby relies upon the demand for trial by jury filed by Plaintiff in the above-entitled cause of action.

Respectfully submitted,

PLUNKETT COONEY

By s/Rochelle L. Clarke

AUDREY J. FORBUSH (P41744)

ROCHELLE L. CLARKE (P79054)

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Dated: March 11, 2021

PROOF OF SERVICE

The undersigned certifies that on the 11th day of March, 2021, a copy of the foregoing document was served upon the attorney(s) of record in this matter at their stated business address as disclosed by the records herein via:

☐ Hand delivery
☐ U.S. Mail
☐ E-Mail

☐ Overnight mail
☐ Facsimile
☒ Electronic e-file

I declare under the penalty of perjury that the foregoing statement is true to the best of my information, knowledge and belief.

Kimberly Webster

Kimberly Webster

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